



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE **R. PONGIAPPAN**

WEB COPY

CRL.O.P(MD)Nos.3405 and 3406 of 2018

In CRL.O.P(MD)No.3405 of 2018:

1.Muruganandam(A2)

2.Sivanandam (A1)

.. Petitioners/Petitioners

Vs.

State rep. by,
The Inspector of Police,
Thiruppanandal Police Station,
Thanjavur District.
(Crime No.13 of 2018)

.. Respondent/ Respondent

PRAYER: Criminal Original Petition is filed under Section 439(1) (b) of the Code of Criminal Procedure, to call for the records on the file of the learned Principal District and Sessions Judge, Thanjavur in Cr.M.P.No.729 of 2018 and to set aside the condition of depositing a sum of Rs.10,000/- each into Judicial Magistrate Court No.1, Kumbakonam imposed in Cr.M.P.No.729 of 2018 by order, dated 20.02.2018.

For Petitioners : Mr.S.Rajaprabu

For Respondent : Mr.A.Robinson
Government Advocate (Criminal Side)

In CRL.O.P(MD)No.3406 of 2018:

Ragul(A3)

.. Petitioner/Petitioner

Vs.

State rep. by,
The Inspector of Police,
Thiruppanandal Police Station,
Thanjavur District.
(Crime No.13 of 2018)

.. Respondent/ Respondent

PRAYER: Criminal Original Petition is filed under Section 439(1) (b) of the Code of Criminal Procedure, to call for the records on the file of the learned Principal District and Sessions Judge, Thanjavur in Cr.M.P.No.777 of 2018 and set aside the condition of depositing a sum of Rs.10,000/- into Judicial Magistrate Court No.1, Kumbakonam imposed in Cr.M.P.No.777 of 2018 by order, dated



For Petitioner : Mr.S.Rajaprabu

For Respondent : Mr.A.Robinson
Government Advocate (Criminal Side)

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COMMON ORDER

The petitioners are arrayed as A2, A1 & A3 in Crime No.13 of 2018, for the offences punishable under Sections 294(b), 324, 379 and 506(ii) of IPC., on the file of the respondent police. Subsequent to the registration of the cases, A1 & A2 filed anticipatory bail application in Cr.M.P.No.729 of 2018 and A3 has filed anticipatory bail application in Cr.M.P.No.777 of 2018 before the learned Principal District and Sessions Judge, Thanjavur. While at the time of disposing the above said applications, the learned Principal District and Sessions Judge, Thanjavur, enlarged the petitioners on anticipatory bail and directed them to deposit a sum of Rs.10,000/- each, in Crime No.13 of 2018 before the Judicial Magistrate Court No.I, Kumbakonam as one of the conditions. Now, these petitions have been filed by the petitioners to set aside the above said condition.

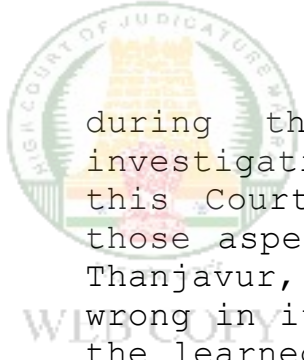
2. The case of the prosecution is that on 05.02.2018, the petitioners waylaid the defacto complainant, assaulted him by using iron rod, thereby he sustained injuries and thereafter, they snatched 11 gram of gold chain from him. Hence, the case has been registered for the offences punishable under Sections 294(b), 324, 379 and 506(ii) of IPC., as against the accused.

3. The learned counsel appearing for the petitioners submitted that the petitioners are ready to obey the usual conditions. Moreover the petitioners are having no previous case. Hence, according to the petitioners, it is much difficult to observe the above said condition. Hence, the learned counsel appearing for the petitioners prays to set aside the condition imposed by the Principal District and Sessions Court.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police, on instructions, would submit that the property is not yet recovered.

5. I have heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent police and perused the records.

6. Now, on going through the facts of the case, it is alleged <https://hcdsrecs.hcdsrecs.gov.in/hcdsrecs/> of occurrence, the petitioners in these petitions assaulted the defacto complainant and committed the theft of 11 grams of gold chain. As of now, the property which was robbed



during the time of occurrence was not recovered by the investigating agency. So, considering the above circumstances, this Court came to the conclusion that only after considering those aspects, the learned Principal District and Sessions Judge, Thanjavur, fixed the condition as stated above. So, there is no wrong in it. Hence, this Court feels that the condition imposed by the learned Judge is not an excessive. Accordingly, these Criminal Original Petitions are dismissed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The Principal District and Sessions Judge,
Thanjavur.
2. The Judicial Magistrate No.1,
Kumbakonam.
3. The Inspector of Police,
Thiruppanandal Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

PJL

VB/SKN/RSK/SAR4/16.04.2018/3P/5C

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